

**OPINION  
49-194**

April 22, 1949 (OPINION)

TOWNSHIPS

RE: Place of Holding Elections

Re: Elections in Township When City Extends Limits to Include Town Hall

Your letter of April 19th has been received and referred to my desk.

You state that your township had a town hall and that the city of Williston has extended its city limits to take in the land your town hall was on. You ask whether or not your township can continue to hold township meetings in the hall which is now in the city limits of Williston.

It is the opinion of this office that your township may continue to hold town meetings and township elections in the town hall.

The original law in territorial times, section 10, Chapter 1112 of the Laws of 1883, provided that town meetings should be held annually "in the township." This provision remained unchanged until 1947, at which time the legislature amended the section by the addition of the following provision:

Provided, that where an incorporated city or village is wholly or partially within the boundaries of a township, all township meetings may be held in such place within such incorporated city or village, as the electors thereof may designate at an annual township meeting."

It is evident that the city of Williston is at least partially within the boundaries of your township, since a part of the township including your town hall was included in the extension of its city limits. Therefore, by this proviso, your township may continue to use the town hall where it is now located as long as you choose to do so.

Section 16-0906 N.D.R.C. 1943 relates to polling places for general elections, and is not in conflict with the 1947 amendment, or if it is in conflict, Chapter 364 amends the older law, so that town meetings may be held as Chapter 364 provides.

WALLACE E. WARNER

Attorney General